



**IT IS ORDERED as set forth below:**

**Date: June 20, 2012**

A handwritten signature in black ink, reading "Paul W. Bonapfel".

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

IN RE:	:	CASE NO. 11-40606
	:	
CHARLES DANIEL MCALLISTER,	:	CHAPTER 13
FRANCIS DIANE MCALLISTER,	:	
DEBTORS.	:	JUDGE BONAPFEL
	:	
CHARLES DANIEL MCALLISTER,	:	CONTESTED MATTER
FRANCIS DIANE MCALLISTER,	:	
MOVANTS,	:	
	:	
V.	:	
	:	
CITIMORTGAGE, INC.,	:	
	:	
RESPONDENT.	:	

**ORDER ON OBJECTION TO CLAIM #7 OF CITIMORTGAGE, INC.**

This matter came before the Court upon the Objection to Claim, filed by debtors, seeking disallowance of a claim of CitiMortgage, Inc. ("Respondent"), marked claim #7 on the claims register, and requesting that any funds disbursed to claim #7 be deemed as disbursed on claim #8.

Claim #7 was originally filed by debtors' counsel on behalf of Respondent in the amount of \$2,811.87 after Respondent did not file a claim before the bar date. Later, however, Respondent filed its own claim for the same debt, marked claim #8 on the claims register. Debtors disputed the amount of their indebtedness to Respondent, among other claims for relief, in adversary proceeding no. 11-04053, which has since been resolved. Nevertheless, both claim #7 and claim #8 remained on the claims register and are duplicative. The Trustee disbursed \$450.00 on claim #7 before noticing the issue and promptly contacted debtors' counsel about the duplicative claims. By application of Fed. R. Bankr. P. 3006, the parties are unable to withdraw claim #7 as a matter of course. Therefore, debtors' counsel filed this Objection.

A hearing on the Objection was held on June 13, 2012 at which debtors' counsel appeared. No opposition was raised at the hearing and no written objections have been filed. Accordingly, it is

**HEREBY ORDERED** that the Objection to Claim #7 of CitiMortgage, Inc. in the amount of \$2,811.87 is sustained and this claim is disallowed as a duplicative claim.

**FURTHER ORDERED** that the \$450.00 and any other funds the Chapter 13 Trustee has disbursed to CitiMortgage, Inc. on claim #7 be applied to, and deemed as disbursed on, claim #8 of CitiMortgage, Inc.

**[END OF ORDER]**

Presented and prepared by  
THE HURTT LAW FIRM, LLC

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Reviewed as to form by:

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